

ITEM NO. 6 RS7 TO RM12; 2.119 ACRES; 2518 RIDGE CT (MKM)

Z-13-00288: Consider a request to rezone approximately 2.119 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2518 Ridge Court. The portion of the property proposed to be rezoned is located on the east half fronting on Cedarwood Avenue. Submitted by Tenants To Homeowners, Inc., for Douglas County, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Mike Myers, Hernly Architects, provided a brief description of Tenants to Homeowners (TTH). He said TTH was a non-profit that developed permanently affordable housing through land leases for first time homebuyers. He said in addition to TTH also provided affordable rental options. He stated this project was tailored to downsizing toward the later years in life and would be active senior housing. He said the project would provide a high quality infill housing product that would be within walking distance to multiple businesses, such as CVS and Dillons. He said he was an East Lawrence resident and lived close to a TTH project at 11th and Rhode Island Street. He said he was so pleased with the TTH work on that project that he became a board member. He said the project would provide housing for a population that was underserved and would be located in an area of mixed housing types with infrastructure already in place. He stated the community was interested in attracting retirees and that it was well received by the Douglas County Commission. He said TTH held a few neighborhood meetings and received comments from the neighborhood.

PUBLIC HEARING

Ms. Mary Spencer said the housing project was in her backyard and she felt it would decrease her property value. She stated she did not want more multi-family rental homes in her neighborhood. She stated she would prefer single-family homes that would be occupied by the home owner. She said the majority of seniors would not be capable of walking to Dillons. She opposed this project and felt senior needs were already being met in the community. She felt other things could be put at the site to better the community. She said the County gave the land away for free and that she had to buy her land. She said she asked TTH if they had to purchase the land would they still be proposing this development and TTH said no. She said TTH was a non-profit organization but at some point it would become profitable.

Ms. KT Walsh, East Lawrence Neighborhood Association, said TTH was a non-profit and when they pay the property off the money gets funneled right back into the program to expand, not for a profit. She felt there was a terrible need for affordable senior housing and she was glad TTH was stepping up to meet it. She said there were at least 25 TTH homes and rental properties in East Lawrence and they had a tremendous record of property maintenance. She said she was in favor of TTH and the good work they were doing for the community.

Ms. Jean Affalter, 2543 Cedarwood, said the proposed field of land was her backyard. She described a video that she took of flood water coming from the field behind her house that damaged her house and property. She felt there were too many rental properties in her neighborhood and that of the 52 properties that fell within the 200' boundary 26 properties were rental properties. She said the neighborhood used to be a close knit community and it was gone because of all the rentals in the neighborhood. She felt the rental properties were the cause of shootings, robberies, and crime in the area. She asked Planning Commission to deny the proposal.

Ms. Gayle Sigurdson, Kaw Valley Older Women's League, discussed the benefits of infill development for the community. She said infill development would bring new life to an established neighborhood, increase the value of the surrounding properties, especially when replacing empty lots or abandoned buildings. She said it would make use of existing infrastructure and increase the use of established community services. She said TTH was an established, qualified, and competent developer that was part of the neighborhood. She said

there was a need for senior housing in the community. She said senior housing would be low density with a quiet population with fewer drivers who will be looking for long term tendency. She said TTH was not an out of town landlord and they would maintain the development.

Ms. Bonnie Uffman said as an active senior in the community she was well aware of the need for affordable housing for seniors. She said TTH would be an asset to any neighborhood and she strongly encouraged Planning Commission to support the project.

Ms. Jean Stoneking said she had lived on Ridge Court for 25 years and she welcomed seniors to the neighborhood.

Ms. Jamie Bone, 2537 Cedarwood, said she did not receive notice. She felt the rezoning would reduce the value of her property. She felt the proposed lot would better serve the community as a park or recreational area and that children would not have a place to play without it. She felt more traffic would be unsafe for pedestrians due to no sidewalks on the street. She urged Planning Commission not to approve the project.

Mr. Sean Metzinger, 2537 Cedarwood, said he did not receive notice and that his realtor did not know of the project. He said he did not see the reason for more rental properties and that the US Census numbers from 2000 show 638 vacant units and 1,346 vacant rental units in 2010. He said independent websites show it's closer to 2,000 vacant rental properties in Lawrence. He said a new 120 unit retirement facility was expected to be built on the west side of Lawrence so there was no need for one in the central part of town. He felt the neighborhood was already high density with major thoroughfares surrounding it. He expressed concern about increased traffic and parking in the neighborhood. He asked Planning Commission to deny more rental properties in Lawrence.

Mr. Stan Hernly, Hernly Architects, said he was the original founding member of TTH. He stated the project would be infill development and would not extend new utilities. He said the number of units in the development was about half of what RM12 allowed, and barely above what was allowed with single-family number of units. He said the tenants would be quiet active seniors.

Mr. Don Hawley expressed concern about perpetual water issues and felt this project would make the problem worse. He said there were runoff issues from the lot, as well as water line breaks. He said he was never told about the project and that neighborhood meetings were not very productive. He felt that Ms. Rebecca Buford had a bitter attitude and that Mr. Mike Myers was the only one who had been receptive to his questions about the project. He said he was not in favor of the project. He thanked Mr. Mike Myers for his polite responses to the neighborhood.

Ms. Deborah McMullen, Tenants to Homeowners Board of Directors, felt the project would improve the overall neighborhood and increase property values in the area as well. She said the original intention for the land was for the use as a senior facility and now was the time to proceed with the goal. She felt the improvements made would be a positive step for the senior residents and the community. She said the Chamber was working to encourage seniors to remain and live in the community. She said seniors could bring economic stability to Lawrence in many ways and can anchor a neighborhood and improve the livability. She said TTH can enhance property values in older neighborhoods. She said TTH improved the diversity of the community as a non-profit for the good of the whole community. She asked Planning Commission to approve the rezoning.

Ms. Spencer made an additional comment and said if she had known the neighborhood she would not have bought her house. She said a police officer sits in front of her house every day because of the drugs on Redbud Lane.

Mr. Dave Affalter, 2543 Cedarwood, expressed concern about water and sewer issues in the area. He said when he first looked at his house he saw the big open field out back and was sold on the house. He felt the lot would be a very good place for a park and has served as a park for years. He asked Planning Commission to consider a park or community garden for the property.

APPLICANT CLOSING COMMENTS

Mr. Matt Gough, Barber Emerson, Member of Board of Directors for TTH, said the Douglas County Commissioners gifted the property to TTH, subject to certain conditions. He said this was one of the conditions; requesting the property be rezoned to determine if the Planning Commission and City Commission wish to give approvals needed for the intended use. He said TTH typically focuses on creating owner occupied opportunities but that they were making an exception to that rule because the target market of active seniors have strongly said that they do not want to be home owners anymore. He stated the stormwater and sewer issues would all be resolved as part of the site planning process. He said the property would be subject to a deed restriction and must be used for affordable housing for a period of 15 years, according to the conditions place by the County Commission. He said he was proud of TTH for all their hard work. He quoted County Commissioner Jim Flory as saying *"If the property is going to be developed eventually I don't think you will find a better neighbor to develop it. We hate to lose that little open space but it is being lost to an excellent cause."*

COMMISSION DISCUSSION

Commissioner Josserand asked if the typical tenant would be someone coming out of the sale of a principal residence or from another rental situation.

Mr. Gough said the expectation was that the majority of the tenants may be coming from the sale of a home but because they were targeting a specific income segment they could not say for sure what their situation would be. He said they were not looking for the lowest end of the spectrum, such as Section 8, but that it was more targeted toward the middle working class.

Commissioner Rasmussen inquired about 6.2 versus 6.6 dwelling units per acre.

Mr. Gough said the purpose of the RM12 was the ability to have more of an apartment type setting with a site plan that would include a private street. He said it was laid out with single-story duplex style with a density lower than what RS7 would permit.

Commissioner Rasmussen said the difference was 13 living units versus 14.

Mr. Gough said it was intended to look and feel like a single-family neighborhood.

Commissioner Liese asked staff to respond to the comments made regarding property values.

Mr. McCullough said those were frequent comments on any number of land use development requests. He said it was difficult to say and that time tells typically what the neighborhood values do because there were so many different variables. He said one project doesn't typically drive that issue. He said staff's purpose was to seek for compatibility development so there would not be a big shift in property values one way or the other. He said generally speaking staff does not study it to be able to advise Planning Commission about whether a project would work one way or the other regarding property values. He said there was no study or fact basis to judge it by.

Commissioner Liese asked if Planning Commission should not consider it because they don't have facts either way.

Mr. McCullough said there was no appraisers report or study one way or the other.

Commissioner Liese asked staff to respond to the comments made about green space being a park.

Mr. McCullough said any vacant property was subject to development, whether it was developed as a park or otherwise. He said the expectation is that it will be developed, especially if it's within the city and has urban infrastructure to it.

Commissioner Liese asked staff to address the comments made about not being adequately informed about this.

Mr. McCullough said TTH did have several meetings. He said per State Statute the City does a mailed notice, legal notice published in the newspaper, and public notice signs posted at the site.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Liese, to approve the rezoning request for approximately 2.1 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

- 1) The lot at 2518 Ridge Court (Lot A, Block 7, Southridge Addition No. 3) will be divided through the Minor Subdivision process to create a separate lot for the property that is the subject of this rezoning request prior to the publication of the rezoning ordinance.
- 2) The RM12 Zoning is conditioned to limit the permitted uses to single-story *Duplex* dwellings.

Unanimously approved 10-0.